

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

JESSICA ELIZABETH BAKER
STEVEN FRANKLIN EMIG

Debtors

CASE NO: 22-02098-EG
(CHAPTER 13)

**TRUSTEE'S NOTICE OF INTENT TO REQUEST
DISMISSAL AT CONFIRMATION HEARING IF
DOCUMENTS ARE NOT PROVIDED OR FOR
FAILURE TO ATTEND MEETINGS OR HEARINGS**

NOTICE OF MOTION TO DISMISS. The Chapter 13 Trustee has filed papers with the court to dismiss this Chapter 13 case at confirmation hearing if all documents are not timely provided .

Your rights may be affected. You should read these papers carefully and discuss them with your attorney , if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

The Chapter 13 Trustee hereby gives notice that the Debtors' failure to meet the requirements of the code may result in the dismissal of the case at confirmation hearing:

Pursuant to 11 U.S.C. § 521 and 1308, Fed. R. Bankr. P. 1007, 3015(b) and 4002, certain information and documentation (including, but not limited to, all Schedules and Statements, and a Chapter 13 Plan) are required to be filed or provided to the Chapter 13 Trustee within the time periods prescribed therein , or the case dismissed after notice and hearing pursuant to 11 U.S.C. §1307(c) and Fed. R. Bankr. P. 1017(c).

Pursuant to 11 U.S.C. § 343, the Debtors are required to appear at the Meeting of Creditors , at the date and time indicated in the "Notice of Chapter 13 Bankruptcy Case" issued by the Clerk of the Bankruptcy Court . Failure to attend constitutes cause to dismiss under 11 U.S.C. §1307(c).

Pursuant to 11 U.S.C. §1326(a)(1), the Debtors are required to commence making payments proposed by the plan to the Trustee not later than 30 days after the petition for relief was filed . Pursuant to 11 U.S.C. §1307(c)(4), failure to commence making timely payments is cause to dismiss the case .

Certain additional information and documents have also been determined by the Court to be necessary to consideration of the confirmation of a Chapter 13 plan . If the Chapter 13 Trustee has requested any of the information/documents listed below at the 11 U.S.C. § 341 meeting, or at any time thereafter in writing, it must be provided to the Trustee at least seven (7) days prior to the original confirmation hearing. It is the responsibility of the Debtors to ensure that the required documents are provided to the Trustee (and filed, as necessary). These documents include, but are not limited to, the following:

1. A Modified Plan with service as required under SC LBR 3015-2 , as necessary to meet all Chambers Guidelines, Local Rules, Operating Orders, and/or the Bankruptcy Code .
2. Wage order statement or proof of TFS Billpay enrollment in compliance with Chambers Guidelines .
3. Proof that all payments pursuant to the plan have made through the date of confirmation .
4. The most recent real estate tax appraisals covering all parcels of debtor's real property .
5. Post-petition domestic support certificate signed and dated through the month of the confirmation hearing .
6. The amount of the most recent year's income tax refund received by the Debtors , for both state and federal returns.

7. Proof that all required income tax returns have been filed .
8. Final, signed copies of the most recent year's federal and state income tax returns (including all attached schedules).
9. Amended Schedules if identified as necessary by the Trustee .
10. Amended Statement of Financial Affairs if identified as necessary by the Trustee .
11. Amended Petition or Your Statement About Your Social Security Numbers correcting the Debtors' name and/or social security number if identified as necessary by the Trustee .
12. In any case involving a self-employed debtor, a completed self-employment questionnaire, business budget, and final, signed copies of the business's most recent year's federal and state income tax returns, including all attached schedules.
13. Proof of charitable contributions made by the Debtors .
14. An itemization of unreimbursed medical expenses .
15. An itemization of a non-filing spouse's monthly expenses, including the balance owed on each debt .
16. Copies of the Debtors' pay stubs and W-2 forms .
17. Any other item not specified above which is reasonably related to the administration of the case and which the Trustee requested either orally at the 11 U.S.C § 341 meeting or in writing prior to the confirmation hearing .

NOW, THEREFORE, pursuant to 11 U.S.C. §1307(c), the Chapter 13 Trustee hereby requests that the Court dismiss the case ***at confirmation hearing, scheduled by the clerk on November 03, 2022 at 10:00 am, or at any continued confirmation hearing, without further notice***, if the Debtors fails to provide and/or file documents as above, or fails to attend meeting of creditors or any mandatory hearing. Failure to appear at the hearing may be construed as a waiver of the right to object to the dismissal of the case .

Nothing in this Notice should be construed as a waiver of the Trustee's right to file a separate motion to dismiss the case and set it for different hearing date .

Dated: August 17, 2022

/s/ James M. Wyman

Chapter 13 Trustee
PO Box 997
Mt. Pleasant, SC 29465-0997
Phone: (843) 388-9844
Fax: (843) 388-9877
Email: 13office@charleston13.com

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CERTIFICATE OF SERVICE

The undersigned states that he/she served the Trustee's Motion to Dismiss on the on the parties listed below by mailing to them, on this date, copies of the motion, first class, postage prepaid, and addressed as follows:

JESSICA ELIZABETH BAKER
STEVEN FRANKLIN EMIG
359 PARISH PARC DRIVE
SUMMERVILLE, SC 29485

Date: August 17, 2022

/s/ Russell Jackson, II

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